

Message Text

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ORIGIN DLOS-06

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DRAFTED BY D/LOS:MNORDQUIST:MZ

APPROVED BY D/LOS - JOHN NORTON MOORE

S/FW - CDR BUSBY (SUB)

IO/INP - MR. SCULLY (SUB)

EA/ANP - MR. DORRANCE(SUB)

INTERIOR - MR. PROCHNICK

COMMERCE - MR. POLLOCK

L/OS - MRS. WEST

DEFENSE - RADM MORRIS

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TO HICOMTERPACIS SAIPAN

INFO USMISSION USUN NEW YORK

AMEMBASSY TOKYO

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FOR STATUS LNO TRENT; INFO TOKYO FOR OXMAN

E.O. 11652 N/A

TAGS: PROB

SUBJ: LOS TELEGRAPHIC LETTER FROM THE HONORABLE HOWARD W.

POLLOCK TO SENATOR ANDON AMARAICH

1. PLEASE PASS THE FOLLOWING LETTER TO SENATOR ANDON
AMARAICH, CHAIRMAN, JOINT COMMITTEE ON LAW OF THE SEA,
CONGRESS OF MICRONESIA:
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QTE DEAR ANDON:

IT WAS A GREAT PLEASURE TO MEET WITH YOU IN WASHINGTON ON
NOVEMBER 30, 1973. I WISH WE HAD MORE OF AN OPPORTUNITY

TO VISIT. THE PURPOSE OF THIS LETTER IS TO FOLLOW UP ON SEVERAL POINTS WHICH AROSE DURING OUR MEETING.

INITIALLY, I WOULD LIKE TO CONFIRM THAT MR. BERNARD OXMAN, ALTERNATE U.S. DELEGATE TO THE LOS CONFERENCE AND A MEMBER OF THE WORKING GROUP ON MICRONESIA ESTABLISHED BY THE EXECUTIVE COMMITTEE OF THE NSC INTERAGENCY TASK FORCE ON THE LAW OF THE SEA WILL VISIT SAIPAN, AND POSSIBLY OTHER AREAS OF MICRONESIA, ABOUT 15 JANUARY 1974, FOR A PERIOD OF SEVERAL DAYS. AT THAT TIME, MR OXMAN WOULD CERTAINLY WISH TO MEET WITH YOU AND THE OTHER MEMBERS OF YOUR JOINT COMMITTEE ON THE LAW OF THE SEA TO CONTINUE TO EXPLORE YOUR RESOURCE INTERESTS AND LAW OF THE SEA CONCERNS.

WE WOULD ALSO BE DEEPLY PLEASED IF ARRANGEMENTS COULD BE MADE BY YOU FOR HIM TO SPEAK TO SUCH KEY MEMBERS OF THE CONGRESS OF MICRONESIA AS YOU DEEM USEFUL, FOR THE PURPOSE OF PRESENTING THE UNITED STATES POSITION ON THE MAJOR TOPICS TO BE DISCUSSED AT THE LOS CONFERENCE IN CARACAS, VENEZUELA. MR. OXMAN CAN ALSO ASSURE THESE KEY OFFICIALS AND OTHER LEADERS OF THE CONGRESS THAT MICRONESIAN VIEWS WILL BE ADEQUATELY PRESENTED TO THE LOS CONFERENCE IN VENEZUELA.

LATER THIS SPRING, AFTER OUR INTERAGENCY GROUP HAS COMPLETED CONSULTATIONS, I WOULD HOPE FOR A THIRD MEETING--IN WASHINGTON OR IN SAIPAN--TO DISCUSS SUBSTANCE. TO THIS END, I WOULD HOPE THAT NO ACTION WILL BE TAKEN AT THE UPCOMING SESSION OF YOUR CONGRESS WHICH MIGHT RESTRICT THE POSSIBILITY OF RECONCILING OUR RESPECTIVE POSITIONS. FOR OUR PART, IN KEEPING WITH THE TRUSTEESHIP RESPONSIBILITIES OF THE UNITED STATES, I WANT TO ADVISE YOU THAT (A) WE WILL CONTINUE TO EXPLORE THE LOS NEEDS OF MICRONESIA IN AN EFFORT TO SEE WHETHER WE CAN AGREE ON A COMMON POSITION; (B) IF WE ARE ABLE TO AGREE ON A COMMON POSITION, A MICRONESIAN REPRESENTATIVE WILL BE ACCREDITED

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TO THE UNITED STATES DELEGATION TO CARACAS FOR THE SPECIFIC PURPOSE OF PRESENTING THE MICRONESIAN POSITION TO THE SECOND COMMITTEE OF THE CONFERENCE; (C) IF THERE IS NO AGREEMENT ON A COMMON LOS POSITION, WE SHALL NEVERTHELESS MAKE ARRANGEMENTS WHEREBY THE VIEWS OF THE CONGRESS OF MICRONESIA ON THE LAW OF THE SEA WILL BE PRESENTED TO THE CONFERENCE. HOWEVER, THE UNITED STATES REPRESENTATIVE WILL MAKE IT CLEAR, IN AREAS WHERE WE MAY DIFFER THAT THE MICRONESIAN POSITION IS NOT IN CONSONANCE WITH THE UNITED STATES POSITION.

PURSUANT TO OUR RECENT DISCUSSION, WE SHALL CIRCULATE YOUR JOINT COMMITTEE'S PRELIMINARY REPORT ON THE LAW OF THE SEA TO SELECTED COUNTRIES LIKELY TO HAVE AN INTER-

EST IN THE SUBJECT. ENCLOSED IS THE TEXT OF OUR AIDE-MEMOIRE TO ACCOMPANY THE PRELIMINARY REPORT, TOGETHER WITH A LIST OF COUNTRIES TO WHOM THE PRELIMINARY REPORT WILL BE CIRCULATED.

AS I INDICATED THAT I WOULD, I AM ALSO SENDING A PORTION OF THE REPORT THAT WAS PREPARED FOR PRESENTATION TO THE EXECUTIVE COMMITTEE OF THE INTERAGENCY LOS TASK FORCE BY OUR TEAM THAT RECENTLY VISITED MICRONESIA. AS YOU KNOW, THE ARCHIPELAGO CONCEPT YOU ENUNCIATE IS INCONSISTENT WITH THE US POSITIONS. WE ARE, HOWEVER, CONTINUING TO STUDY YOUR RESOURCE NEEDS IN AN ATTEMPT TO TRY

TO FIND A SOLUTION WHICH WILL BE SATISFACTORY TO BOTH OF US.

IT WAS GOOD TO SEE YOU IN NOVEMBER, AND I LOOK FORWARD TO WORKING CLOSELY WITH YOU IN THE MONTHS AHEAD. IN THE MEANTIME, PLEASE DO NOT HESITATE TO GET IN TOUCH WITH ME AT ANY TIME. PERHAPS THE MOST EXPEDITIOUS WAY IS TO CONTACT ME TELEGRAPHICALLY THROUGH MARY TRENT.

WARM PERSONAL REGARDS.

CORDIALLY ALWAYS,

HOWARD W. POLLOCK
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CHAIRMAN, WORKING GROUP ON MICRONESIA
OF THE NSC INTERAGENCY TASK FORCE ON THE
LAW OF THE SEA AND DEPUTY ADMINISTRATOR,
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

ENCLOSURES: AS STATED UNQTE

AIDE-MEMOIRE

PURSUANT TO ITS RESPONSIBILITIES UNDER THE TRUSTEESHIP AGREEMENT OF JULY 18, 1947 REGARDING THE TRUST TERRITORY OF THE PACIFIC ISLANDS, THE UNITED STATES GOVERNMENT IS CIRCULATING TO EMBASSIES OF CERTAIN STATES THE ENCLOSED PRELIMINARY REPORT PREPARED UNDER THE AUSPICES OF THE JOINT COMMITTEE OF THE CONGRESS OF MICRONESIA ON LAW OF THE SEA. COMMENTS ON THE REPORT ARE INVITED.

IT SHOULD BE NOTED THAT THE REPORT IS NOT IN CONSONANCE WITH THE UNITED STATES POSITION ON THE LAW OF THE SEA. ACCORDINGLY, CIRCULATION OF THE REPORT DOES NOT IMPLY ANY ENDORSEMENT OF ITS CONTENTS OR ANY CHANGE IN THE VIEWS OF THE UNITED STATES GOVERNMENT WITH RESPECT TO THE LAW OF THE SEA.

LIST OF COUNTRIES

AUSTRALIA
FIJI
FRANCE
INDONESIA
JAPAN
NAURU
NEW ZEALAND
PHILIPPINES

REPUBLIC OF KOREA
USSR
U.K.

NOVEMBER 14, 1973

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MEMORANDUM FOR THE LAW OF THE SEA EXECUTIVE GROUP

FROM: HOWARD W. POLLOCK
CHAIRMAN, LAW OF THE SEA WORKING GROUP
ON MICRONESIA

SUBJECT: REPORT AND RECOMMENDATION BASED ON OCTOBER
VISIT OF LOS TEAM TO MICRONESIA

BACKGROUND

ATTACHMENT A CONTAINS THE INFORMATION AND GUIDELINES USED BY THE LAW OF THE SEA INTERAGENCY TEAM THAT VISITED MICRONESIA DURING THE PERIOD 21-28 OCTOBER OF THIS YEAR TO MEET WITH MEMBERS OF THE CONGRESS OF MICRONESIA, WITH LEGISLATORS AND ADMINISTRATORS OF THE VARIOUS DISTRICTS OF MICRONESIA, AND WITH OFFICIALS OF THE U.S. TRUST TERRITORY OF THE PACIFIC ISLANDS (TTPI). IT WAS THE OBJECTIVE OF THE LOS TEAM TO MAKE FIRST-HAND OBSERVATIONS OF THE TTIP INTEREST IN THE OCEANS AND TO DISCUSS OUR VARYING VIEWS CONCERNING THE FORTHCOMING LAW OF THE SEA CONFERENCE.

IT WAS MY PRIVILEGE TO SERVE AS CHAIRMAN OF THE LOS TEAM. MY ASSOCIATES WERE MYRON NORDQUIST, SPECIAL ASSISTANT TO THE CHAIRMAN OF THE NSC INTERAGENCY TASK FORCE ON THE LAW OF THE SEA; DR. LEO J. MOSER, STATE DEPARTMENT DIRECTOR OF AUSTRALIA, NEW ZEALAND AND PACIFIC ISLAND AFFAIRS; U.S. NAVY COMMANDER C. PAUL AKE, JOINT CHIEFS OF STAFF, DEPARTMENT OF DEFENSE; AND ROBERT T. B. IVERSEN, REGIONAL REPRESENTATIVE, NATIONAL MARINE FISHERIES SERVICE, HONOLULU, HAWAII.

THE LOS TEAM'S FIRST VISIT IN THE TRUST TERRITORY WAS TO MAJURO, AN ISLAND IN THE MARSHALL ISLANDS CHAIN. THE TEAM HAD HOPED TO MEET WITH SENATOR AMATA KABUA, BUT HE WAS NOT ON THE ISLAND AND WAS SCHEDULED TO BE AWAY FOR THE BALANCE OF THE WEEK. HENCE, AFTER CONSULTATIONS WITH OSCAR DEBRUM, THE MARSHALL ISLAND'S DISTRICT ADMINISTRATOR, AND OUR OFFICIAL ESCORT, DWIGHT HEINE, SPECIAL ASSISTANT TO THE HIGH COMMISSIONER, THE TEAM MADE UNCLASSIFIED

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A DECISION TO ALTER THE SCHEDULE AND STOP AT PONAPE INSTEAD OF LAYING OVER AT MAJURO. THE LOS TEAM MET WITH THE PONAPE DISTRICT ADMINISTRATOR, LEO FALCAM, AS WELL AS WITH CONGRESSMAN JOAB SIGRAH OF KUSAIE, PINGELAP, AND WITH MEMBERS OF THE PONAPE DISTRICT LEGISLATURE, MOST OF

WHOM WERE IN ATTENDANCE.

FROM PONAPE THE TEAM TRAVELLED FARTHER WEST TO TRUK, IN THE CAROLINE ISLANDS GROUP. THERE WE MET WITH THE TRUK DISTRICT ADMINISTRATOR, JUAN SABLAN, WITH SENATOR TOSIWO NAKAYAMA, PRESIDENT OF THE SENATE IN THE MICRONESIAN CONGRESS, WITH SENATOR ANDONAMARAICH, CHAIRMAN OF THE JOINT CONGRESSIONAL COMMITTEE ON LAW OF THE SEA, CONGRESSMAN HERMAN GUERRERO, OF SAIPAN, A MEMBER OF THE LAW OF THE SEA JOINT COMMITTEE, AND WITH MR. FRED RAMP, SPECIAL LEGAL ADVISOR TO THE JOINT COMMITTEE. THE TEAM ALSO MET SEPARATELY WITH MEMBERS OF THE TRUK DISTRICT LEGISLATURE.

IT EMERGED FROM THE DISCUSSIONS WITH SENATOR AMARAICH, REPRESENTATIVE GUERRERO, AND FRED RAMP THE REPRESENTATIVE OF THE CONGRESS OF MICRONESIA WOULD LIKE TO MEET WITH THE LAW OF THE SEA INTERAGENCY TASK FORCE EXECUTIVE GROUP DURING THE FIRST WEEK IN DECEMBER TO DISCUSS THE QUESTION OF WHETHER THE U.S. CAN PROPERLY REPRESENT THE MICRONESIAN POINT OF VIEW AT THE LOS CONFERENCE, AND, IF NOT, WHAT ARRANGEMENTS MIGHT BE MADE TO MEET THE U.S. COMMITMENT AS TRUSTEE FOR MICRONESIA TO INSURE THAT THE MICRONESIAN VIEWS ARE APPROPRIATELY PRESENTED TO THE CONFERENCE. (SENATOR AMARAICH IS PRESENTLY IN WASHINGTON, D.C. ATTENDING A MEETING ON THE FUTURE STATUS OF MICRONESIA, AND HE SHOULD BE CONTACTED TO CONFIRM THE DECEMBER MEETING.)

ON SAIPAN THE LOS TEAM MET WITH EDWARD E. JOHNSTON, HIGH COMMISSIONER OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS, WITH PETER T. WILSON, CHIEF OF MARINE RESOURCES DIVISION FOR THE TTPI, AND WITH OTHER OFFICIALS OF THE TRUST TERRITORY. MESSRS. JOHNSTON AND WILSON ARE BOTH VERY FAMILIAR WITH THE MICRONESIAN LAW OF THE SEA IN-

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TERESTS, AND THEIR OBSERVATIONS WERE MOST HELPFUL IN FORMULATING TEAM RECOMMENDATIONS.

THE MICRONESIAN POSITION

THE FORMAL MICRONESIAN POSITION WAS LAID OUT IN A PRELIMINARY WAY IN A 14 MAY 1973 REPORT PREPARED BY THE JOINT COMMITTEE ON THE LAW OF THE SEA. IN GENERAL, THEY

DESIRE A BROAD ARCHIPELAGO AROUND THE MORE THAN 2000 ISLANDS, A 12-MILE TERRITORIAL SEA BEYOND THE PERIPHERY OF THE ARCHIPELAGO BASE LINES, AND A 200-MILE EXCLUSIVE RESOURCE ZONE BEYOND THAT. THEY DESIRE REPRESENTATION

THE INFORMAL DISCUSSIONS BETWEEN THE LOS TEAM AND THE MICRONESIANS REVEALED THAT THEIR PRIMARY INTEREST IS IN OBTAINING RESOURCE CONTROL, AND IN PARTICULAR, TO ASSERT RIGHTS TO TUNA IN THE MICRONESIAN CLAIMED ARCHIPELAGIC WATERS. THEY HAVE NO INTEREST WHATEVER IN CONSTRAINING OR CONTROLLING NAVIGATION THROUGH THE CLAIMED WATERS. THEY CONSIDER THE U.S. FISHERIES POSITION INADEQUATE FOR THEM BECAUSE THEY DO NOT BELIEVE THEY COULD ACQUIRE A SUFFICIENTLY LARGE QUOTA TO PROTECT THEIR INTERESTS TAKE. THEY RECOGNIZE THAT THEY CANNOT NOW TAKE A LARGE QUANTITY OF TUNA, BUT THEY HOPE TO INCREASE THEIR CAPABILITY IN THE FUTURE. IN THIS REGARD, THEY ARE INTERESTED IN THE TRANSFER OF FISHING TECHNOLOGY AND THE DEVELOPMENT OF THEIR FISHERY CAPACITY.

RECOMMENDATIONS FOR LOS EXECUTIVE GROUP CONSIDERATION

A. A SPECIAL WORKING GROUP ON MICRONESIA SHOULD BE ESTABLISHED BY THE EXECUTIVE COMMITTEE OF THE NSC INTERAGENCY TASK FORCE ON THE LAW OF THE SEA TO DEAL WITH MICRONESIAN CONCERNS ON A CONTINUING BASIS. (THE SUBSTANCE OF THIS RECOMMENDATION WAS PROVED BY THE EXECUTIVE GROUP ON NOVEMBER 5, 1973).

B. MESSRS. NORDQUIST, AKE AND POLLOCK, MEMBERS OF THE VISITING LOS TEAM TO MICRONESIA, SHOULD BE MEMBERS OF THE SPECIAL LOS WORKING GROUP ON MICRONESIA. REPRESENTATIVES FROM ALL AGENCIES ON THE INTERAGENCY TASK FORCE WITH AN INTEREST SHOULD BE ADDED TO THE WORKING GROUP.

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C. THE WORKING GROUP SHOULD MAINTAIN CONTINUING

LIAISON WITH THE MICRONESIANS ON LOS MATTERS.

D. THE WORKING GROUP SHOULD PREPARE POLICY RECOMMEN-
DATIONS WITH REGARD TO MICRONESIAN LOS PROBLEMS FOR
EXECUTIVE GROUP CONSIDERATION. KISSINGER

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